

THIRTY-SECOND DAY.

SENATE CHAMBER, }
AUSTIN, February 17, 1875. }

Senate met pursuant to adjournment; roll called; quorum present. Prayer by the chaplain.

On motion of Senator Ellis, the reading of the journal of yesterday was dispensed with.

Senator Parker, Chairman Committee on Agriculture, submitted the following report:

Hon. John Ireland, President of the Senate:

Your Committee on Agriculture, to whom was referred Senate bill No. 682, "An act making an appropriation for purchasing the patent Cotton Worm Remedies, of Royall, Whisenant & Co.," having considered the same, instruct me to report said bill back to your honorable body, and recommend that it do not pass.

C. A. PARKER, Chairman.

Senator Hobby, for Committee on Constitutional Amendments, submitted the following reports:

Hon. John Ireland, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate resolution No. —, "directing your committee to consider the expediency of submitting amendments to the constitution," have instructed me to report the following amendments, and recommend that they be proposed as amendments to the constitution.

EDWIN HOBBY, for Committee.

Amendments—Section 44 of article 12 shall hereafter read as follows: "The Legislature may, by law, regulate the rate of interest; *provided*, the rate of interest shall not exceed twelve per cent. per annum."

Section —, General Provisions—"The Legislature shall not, in times of peace, create a debt or liability on the part of the State, exceeding five hundred thousand dollars."

Hon. John Ireland, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 658, "To

amend sections 6 and 7, of article 5, and sections 45 and 46, of article 12 of the constitution," have considered the same and instruct me to report the said amendments back to the Senate, and recommend that they be proposed as amendments to the constitution.

EDWIN HOBBY, for Committee.

Senator Russell introduced a bill, entitled "An act for the relief of certain railroads." Read first time and referred to Committee on Internal Improvements.

Senator Baker introduced a bill, entitled "An act to incorporate the Hockley and Montgomery Railroad Company." Read first time and referred to Committee on Internal Improvements.

Senator Swift introduced a bill entitled "An act to abolish certain criminal courts in the State of Texas." Read first time and referred to Committee on Finance.

The pending business, at the hour of adjournment on yesterday, being a resolution offered by Senator Ireland, "to have five hundred copies of the Governor's message printed in the Spanish language," it was taken up.

Senator Culberson offered the following as an amendment:

"And that said committee be required to report to the Senate the reason why the copies already ordered have not been furnished the Senate." Lost.

Senator Craven offered the following amendment:

Strike out "five hundred," and insert "two hundred and fifty." Lost.

The question then recurring on the adoption of the original resolution, it was lost by the following vote:

YEAS—Senators Ball, Baker, Culberson, Dwyer, Ellis, Hobby, Ireland, Joseph, Ledbetter, Russell, Shepard and Westfall—12.

NAYS—Senators Allison, Bradshaw, Burton, Craven, Dillard, Erath, Flanagan, Friend, Morris, Parker, Stirman, Swift and Wood—13.

Senator Joseph, for Committee on Engrossed Bills, submitted the following report:

Hon. John Ireland, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 644, "An act to incorporate the Fairfield, Hillsboro and Cleburne Railroad Company, and to grant lands to aid in the construction

thereof." Senate bill No. 568, "An act to amend section 712 of 'an act to adopt and establish a Penal Code for the State of Texas;'" approved August 28th, 1856. Senate bill No. 638, "An act to authorize the county court of Travis county to issue and dispose of the bonds of said county for the purpose of erecting a courthouse and jail, in accordance with the provisions of 'an act to lease to the use of Travis county certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same; approved May 4th, 1874, and to provide for the redemption of said bonds.'" Senate bill No. 680, "An act making an appropriation to carry into effect the joint resolution providing for lighting the Capitol and the Governor's mansion with gas;" approved January 22d, 1875. Senate bill No. 634, "An act amendatory of and supplemental to 'an act to encourage stock raising and for the protection of stock raisers;'" approved March 23d, 1874." Senate bill No. 663, "An act to incorporate the Mount Vernon High School at Mount Vernon, in Titus county, Texas." Senate bill No. 558, "An act to provide for funding certificates of public debt issued by the Auditorial Board." Senate bill No. 692, "An act to legalize and validate certain bonds issued by the city of Galveston for the purpose of building fire engine houses," and find all of same correctly engrossed.

JOSEPH, for Committee.

'Senate bill No. 66, "An act for the relief of the heirs of Eli Kirk, deceased," was taken up and read second time, pending an adverse report from the Committee on Claims and Accounts. The report of the committee was adopted and bill lost.

Senate bill No. 487, "An act to amend sections 549 and 556 of the 'Code of Criminal Procedure,'" was taken up and read second time, pending an adverse report from the Judiciary Committee. The report was adopted and bill lost.

Senate bill No. 492, "An act to regulate public roads in Texas," was taken up and read second time, pending an adverse report from the Committee on Roads, Bridges and Ferries. The Senate refused to adopt the report of the committee.

The question then being on the passage of the bill, Senator Culberson offered the following amendment: In section one, strike out "sixty" and insert "thirty." Lost.

Senator Bradshaw moved to strike out section six. Lost.

Senator Culberson offered the following amendment: "*Provided*, That nothing herein contained shall prevent the owners of farms, through which roads may run, from cultivating the land, save and except twenty feet occupied by such road." Adopted.

The bill as amended was then ordered engrossed.

On motion of Senator Allison, the rules were suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Craven, Erath, Flanagan, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Stirman, Westfall and Wood—15.

NAYS—Senators Bradshaw, Burton, Culberson, Dillard, Ellis, Friend, Hobby, Russell and Swift—9.

Senator Erath gave notice that he would move a reconsideration of the vote by which the Senate refused to adopt the resolution, providing for the printing of five hundred copies of the Governor's message in the Spanish language.

(Senator Wood in the chair.)

On motion of Senator Swift, the rules were suspended and Senate bill No. 676, "An act for the relief of the scholastic census takers for the years 1871, 1872 and 1873," was taken up, read second time and ordered engrossed.

On motion of Senator Swift, the rules were suspended, bill read third time and passed.

On motion of Senator Flanagan, the rules were suspended, and Senate bill No. 656, "An act to create the county of Franklin," was taken up and read second time.

Senator Ledbetter offered the following amendment: Strike out the word "Franklin," wherever it occurs in the bill, and insert the word "Denman."

Senator Shepard offered the following amendment as a substitute for the one offered by Senator Ledbetter: Strike out "Franklin" wherever it occurs, and insert the word "Cleburne." Lost.

The amendment offered by Senator Ledbetter was then lost.

Senator Culberson offered the following amendment: *Provided*, That nothing herein contained shall relieve the inhabitants of the territory embraced in this county from payment of their proportion of the debt contracted by Titus county, for the building of a courthouse and all other indebtedness now due by the county of Titus aforesaid.

Senator Parker offered the following as an amendment to the amendment: "*Provided, further,* the remaining county of Titus shall demand it." Adopted.

The amendment of Senator Culberson was then adopted. Senator Dwyer offered the following amendment: Strike out "Franklin" wherever it occurs in the bill, and insert "Scurry," in honor of the late distinguished Gen. Wm. R. Scurry.

Senator Swift offered the following as a substitute for the amendment offered by Senator Dwyer: Strike out "Franklin" wherever it occurs in the bill, and insert "Granberry." Lost.

The question then recurring on the amendment offered by Senator Dwyer, it was lost.

Senator Friend offered the following amendment: Amend by striking out the name of "Franklin" wherever it occurs, and insert the name of "York," in honor of Capt. John York, who together with a son and son-in-law, fell in defense of the frontier, in an engagement with Indians, on the San Antonio river, in the year 1848. Lost.

Senator Ireland moved to amend by inserting after the word "Franklin" the words "in honor of Judge B. C. Franklin, late of Galveston." Lost.

(President in the chair.)

The bill was then ordered engrossed.

On motion of Senator Flanagan, the rules were suspended, the bill read third time, and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Burton, Dwyer, Ellis, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Russell, Shepard, Stirman and Westfall—19.

NAYS—Senators Bradshaw, Culberson, Dillard, Westfall and Wood—5.

Senator Russell offered the following resolution:

Resolved, That the Committee on State Affairs be and are hereby directed to enquire and report by bill or otherwise, if an appropriation be not necessary, and what amount to pay physicians for their services in enforcing quarantine regulations on our coasts for two or three years past. Adopted.

Senator Russell offered the following resolution:

Resolved, That the Governor be and is hereby requested to furnish the Senate information showing—

1st. The total indebtedness of the State to date.

2d. The amount of indebtedness of the State on the 15th of January, 1874.

3d. When will the first installment on bonds held by creditors fall due, what amount, and by whom held?

Senator Shepard, by leave, presented the petition of Leslie Combs, of Kentucky. Read and referred to Committee on Public Debt.

On motion of Senator Parker, the rules were suspended and Senate bill No. 670, "An act to prohibit the manufacture, sale or otherwise disposing of spirituous or intoxicating liquors, within three miles of Mount Vernon High School, in Titus county," was taken up, read second time and ordered engrossed.

On motion of Senator Parker, the rules were suspended, bill read third time and passed.

On motion of Senator Joseph, the rules were suspended and House bill No. 762, "An act making an appropriation to pay Richardson, Belo & Co., for certain public printing therein named," was taken up, read second time and passed to third reading.

On motion of Senator Culberson, the rules were suspended, bill read third time, and passed by the following vote :

YEAS—Senators Ball, Baker, Bradshaw, Burton, Culberson, Dillard, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Russell, Shepard, Stirman, Swift and Wood—23.

NAYS—Senators Allison and Westfall—2.

Senator Ellis offered the following resolution :

Resolved, That the Governor is hereby respectfully requested to inform the Senate of the precise amount of State bonds that have been sold, since the 14th day of January, 1874, up to the present date ; stating in said report the date of each sale, and the names of purchasers and amount of bonds purchased by each purchaser ; the manner in which said bonds were negotiated ; the amount of money actually received into the Treasury from the sale of said bonds, and the exact amount paid to the Financial Agent or agents of the State for negotiating the sale of said bonds.

Senator Flanagan offered the following resolution as a substitute for the one offered by Senator Ellis :

Resolved, That his Excellency, the Governor, be requested to furnish the Senate with the number and amount

of bonds of the State sold by William Moody, Financial Agent, and the actual amount in money received into the Treasury of the State for said bonds; whether they were gold or currency bonds, and whether payment for them was made in gold or currency; how much interest had accrued upon the bonds to date of sale, and whether or not the interest coupons of such accrued interest were computed and paid for by the purchaser.

Senator Bradshaw moved to refer the resolution and substitute therefor to the Committee on Finance.

Lost by the following vote :

YEAS—Senators Bradshaw, Craven, Erath, Hobby, Russell, Shepard and Westfall—7.

NAYS—Senators Allison, Ball, Baker, Burton, Culberson, Dwyer, Ellis, Flanagan, Friend, Joseph, Ledbetter, Morris, Parker, Randle, Stirman, Swift and Wood—17.

Senator Dillard moved to lay the resolution and substitute on the table.

Lost by the following vote :

YEAS—Senators Baker, Bradshaw, Craven, Dillard, Erath, Hobby, Russell and Westfall—8.

NAYS—Senators Allison, Ball, Burton, Culberson, Dwyer, Ellis, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Shepard, Stirman, Swift and Wood—18.

The question then recurring on the adoption of the substitute, offered by Senator Flanagan, it was adopted by the following vote :

YEAS—Senators Allison, Ball, Burton, Dwyer, Flanagan, Friend, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Stirman and Wood—14.

NAYS—Senators Baker, Bradshaw, Craven, Dillard, Ellis, Erath, Hobby, Russell, Shepard, Swift and Westfall—11.

Senator Dillard offered the following amendment :

“Also, the amount of indebtedness of the State up to the 14th of January, 1874, and the amount of expenditures since that time.”

Senator Dillard moved to refer the original resolution, substitute and amendment to Finance Committee. Adopted by the following vote :

YEAS—Senators Ball, Bradshaw, Craven, Dillard, Ellis, Erath, Hobby, Ireland, Morris, Parker, Russell, Shepard, Swift, Westfall and Wood—15.

NAYS—Senators Allison, Baker, Burton, Dwyer, Flanagan, Friend, Joseph, Ledbetter, Randle and Stirman—10.

Senator Flanagan moved that the committee be required to report some time during the session.

On motion of Senator Swift, the committee was required to report to-morrow.

On motion of Senator Wood, the Senate reconsidered the vote adopting the resolution offered by Senator Russell, this morning, in regard to requesting the Governor to furnish the Senate information concerning the State's indebtedness.

On motion of Senator Wood, the resolution was referred to Committee on Finance.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report :

Hon. Jno. Ireland, President of the Senate :

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, Senate bill No. 456, "An act to establish a Criminal Court in and for the cities of Jefferson, Marshall, Tyler and Palestine, and define the powers thereof." Also, Senate bill No. 641, "An act to carry into effect section twenty-four, of article five, of the constitution, by defining the offenses of non-feasance, mis-feasance and mal-feasance in office and providing penalties therefor." Also, Senate joint resolution No. 631, "Joint resolution requesting our Senators and Representatives in Congress to aid in securing the passage of a law for the relief of the heirs of L. R. Wortham, deceased," and presented the same to the Governor this day, at 11 o'clock A. M., for his approval.

DWYER, for Committee.

On motion of Senator Wood, the Senate adjourned until 10 o'clock A. M. to-morrow.

THIRTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, February 18, 1875. }

Senate met pursuant to adjournment; roll called; quorum present. Prayer by the chaplain.

On motion of Senator Allison, the reading of the journal was dispensed with.